



# TOWN OF NEW LONDON, NEW HAMPSHIRE

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## **New London Planning Board MEETING MINUTES Tuesday, December 12, 2023 Whipple Memorial Town Hall, 6:30 PM**

**MEMBERS PRESENT:** Tim Paradis (Chair, voting), Paul Gorman (voting), Jeremy Bonin (voting), David Royle (voting), Emily Campbell (voting), Marianne McEnrue (voting), Bill Helm (Selectmen's Representative)

**MEMBERS ABSENT:** Katie Vedova, Joe Kubit, Paul Vance

**OTHERS PRESENT:** Town Planner, Adam Ricker, John Ellis, Nancy Rollins, Michael Quinn, Marilyn Kidder, Steve Root, Ann Bedard, Peter Nichols, Karen Epstein, Rich Epstein, Tom Vannatta

1. **Call to Order** – Chair Paradis called the meeting to order at 6:30pm. Emily Campbell and David Royle will be voting members tonight.
2. **Review of minutes: November 28, 2023 - Deferred**
3. **Public Comment - None**
4. **Zoning Amendments**

### **a. Floodplain Ordinance**

Town Planner Adam Ricker shared that FEMA is working on updating the flood plain maps in the Contoocook watershed. This only affects a portion of the town, mostly the Pleasant Lake area. As part of this update, the state is working on a comprehensive review of all of the flood plain ordinances within the watershed. As a town we are required to adopt into our ordinance the flood plain regulations in order to stay in compliance with the National Flood insurance program. The state has provided the language that needs to be included and though it needs to go through the town meeting process, there isn't much choice but to pass it in order to maintain compliance. The maps will be adopted by next spring.

**IT WAS MOVED (Jeremy Bonin) AND SECONDED (Marianne McEnrue) to move this to public hearing on January 9, 2024. THE MOTION WAS APPROVED UNANIMOUSLY.**

### **b. Residential R-2 Setbacks**

The proposed amendment seeks to streamline the side yard setbacks for properties in the R-1 District not using water and sewer, and all lots in the R-2 District. There is currently a unique setback requirement where there is a minimum 20-foot minimum from any side yard with an aggregate of two side setbacks equaling 50 feet. This has presented some hardships for people when they've wanted to lay out structures on their property. There doesn't seem to be a tangible benefit and it's unclear why this was put into place initially. The proposed amendment is to simply reduce it to a 20-foot side yard setback.

Steve Root asked how many R-2 lots would be non-conforming or grandfathered that are smaller than 2 acres? Mr. Ricker did not have that information on hand tonight. Mr. Root stated this would then allow more leeway when developing those lots. It's important to keep in mind that there are a lot of R-2 lots but they are not all 2 acres or more.

**IT WAS MOVED (Jeremy Bonin) AND SECONDED (Emily Campbell) to move this to public hearing on January 9, 2024. THE MOTION WAS APPROVED UNANIMOUSLY.**

**c. Planned Unit Development minimum tract  
Cluster Development & Planned Unit Development (PUD)**

These two regulations go hand in hand as the regulation is currently written. You cannot develop any cluster or PUD unless you have a minimum of five contiguous acres. In the PUD overlay district, there aren't any 5 acre lots left in town

There is a state law that allows conversion of rental units to PUD whether they meet the local PUD regulations or not if nothing is changing other than the ownership structure. An example of this is when Bar Harbor approached them to subdivide the carriage house and the bank branch.

The proposed amendment for Cluster Development is intended to allow for small-scale cluster development to in-fill on lots smaller than 5 acres that minimize the environmental impacts of development while maintaining the density required of the underlying zone district. The amendment reduces the required buffer from 100 feet to 50 feet.

Steve Root shared there was a proposal for development on the Bewley property by Continuum and they came before the ZBA as they had overlooked the buffer requirement which is not waivable under workforce housing. At the time, the Hilltop neighbors were opposed to that proposal so he is wondering what impact this has on that particular property. Mr. Ricker stated they never got to the point of actually filing an application. There was a conceptual meeting and it wasn't a PUD, it would've been just a multifamily development. The regulation would've still allowed the planning board the latitude to reduce the buffer. Mr. Root stated his point is to alert them to the sensitivity that Hilltop, in particular, were opposed to heavy development in that area.

**IT WAS MOVED (Marianne McEnrue) AND SECONDED (Emily Campbell) to move this to public hearing on January 9, 2024. THE MOTION WAS APPROVED UNANIMOUSLY.**

The proposed amendment for PUD is intended to allow for small-scale planned unit development to in-fill on lots smaller than 5 acres that minimize the environmental impacts of development while maintaining the density required of the underlying zone district. The amendment reduces the required buffer to 75 feet.

The proposed new modification would be to eliminate the 75-foot setback and instead add "to the underlying setback of that zoning district".

Due to water capacity issues with the New London/Springfield water precinct, another proposed change would be to the water and sewer Service section and that would now read:

Sewer Service: All Planned Unit Developments shall be served by the New London Sewer Commission for sewage disposal when the development is within 100 feet of the sewer system.

Using public utilities when possible is in the best interest of developer but this may continue to be a barrier. In scenarios where it's not feasible to connect, removing this barrier would make sense.

Steve Root questioned if by eliminating this, it is open to a much wider area in town? Adam Ricker responded that the overlay boundaries are not changing. There is very little, if any area in the PUD that isn't served by water and sewer. Steve Root questioned if this would have the effect of making PUD more developed in that area. Mr. Ricker shared it could potentially open that door however, many of the properties have conservation easements on them. Mr. Root suggested not striking the whole thing but changing it to require that they be in the water precinct but not require that they hook up to it and have access to the sewer.

Steve Root stated the proposal is driven by the problem with the water precinct. Sewer isn't a problem so if they'd like to hook up and it's accessible, it doesn't make sense to strike the entire provision. Bill Helm stated he believes if the Fire Chief was in attendance tonight, he would want the fire protection purposes part left in as well. Adam Ricker responded it's important to understand that it's not necessarily saying they have to provide fire protection services, it is saying that the water has to come from the water precinct.

**IT WAS MOVED (Bill Helm) AND SECONDED (Jeremy Bonin) to adopt deleting paragraph 9 as well as the existing proposals. THE MOTION WAS APPROVED UNANIMOUSLY.**

**d. Accessory Dwelling unit**

Work has been done to review the ADU regulations that have been in place since 2016. A component was added to restrict Short Term Rentals (STR) of the ADU, not the primary unit.

A definition of STR should be added and it is suggested to be:

An accessory use of a residential dwelling-unit, rented for a fee for a period of less than 90 days. The timeframe of less than 90 days was chosen in the hopes that it would not conflict with 90 housing contracts for traveling nurses, OT's or healthcare providers that work on a 90-day rotation.

Under the definition of ADU it's been modified to not just allow an attached accessory dwelling unit but also a detached. The next modification allows for one attached dwelling unit and one detached per single family unit. This is to allow for up to two ADU's on a property but has to be one of each. The exception to this is in the Shoreland Overlay district only one ADU is allowed but there is flexibility for either an attached or detached.

The ADU shall not be used as a STR and an adjustment of the number of bedrooms has gone from 2 bedrooms to 3 bedrooms. There is also an allowance for an increase in square footage to 1,250 square feet.

In regulation since 2016, one off street parking space per bedroom unit has been required. Now that the proposed amendment allows for three bedrooms, we wouldn't need to require three parking spaces so no more than two parking spaces per ADU shall be required.

The requirement to have doors facing either the side or rear of the property has been eliminated.

The last section states that the placement of the detached ADU shall not adversely affect traffic on roads or safety of pedestrians and will not otherwise create a safety hazard. It shall also not be considered an additional dwelling unit for the purposes of determining minimum lot size or density.

Steve Root asked what the rationale is for authorizing detached ADU's. Adam Ricker shared there have been a lot of inquiries regarding the ability to build ADU's from people who are motivated by the need to house either their children who are moving home and may have grandchildren and want privacy and people who want to move elderly parents closer to them. They want them to have their own space on the property without being physically attached.

Steve Root stated he understands that but he doesn't hear anything that justifies two ADU's on each lot in town which triples the density. It doesn't make sense and it allows 2,500 square feet more of living space. This is a highly controversial change and at most should just be one ADU on each lot.

Steve Root asked about STR the fact that they are forbidden in ADU's. Have they considered the impact on existing ADU's? Adam Ricker stated since 2016, they've had a total of 14 ADU's go through the process. He is aware of one that has toggled back and forth between traveling nurses on 90-day contracts and filling gaps with STR's. Mr. Root stated ADU's don't address workforce housing in any significant way. Is there any sense or rationale that this is a significant benefit to workforce housing? Adam Ricker stated it's not necessarily that it's a financial payout but rather could be a family member that wants to move back but can't afford to. It does provide a diversity in housing option for people that may not qualify under the traditional workforce housing income limitations. Mr. Root does not think two ADU's should be allowed on each property. As a middle ground, perhaps designate parts of town where it calls for more intensive development to authorize that. This is a radical departure from our zoning ordinance.

Jeremy Bonin reiterated that this wouldn't just address workforce housing but rather provide diversity in housing. With regards to detached housing, there is a lot of existing stock that is not being used. In lieu of building something onto your house, you could use a garage and space that is already above it which would be less costly than building something new. Detached ADU's doesn't always mean building something new. When this was discussed in 2016, the fear was that these would be popping up everywhere, however there have only been an average of two per year since then.

Peter Nichols addressed the density issue and stated an attached ADU is the reuse of an existing structure so not an increase in density. The detached ADU could be an increase in density and encourages diverse and smaller size housing whether it is for the workforce or in general rental housing. It's to provide infill housing in core areas, some of which will be in existing structures. Steve Root responded that authorizing a detached and attached ADU in every zone in town is not focused on the core areas. It could be better improved by authorizing one or the other in the core areas in town.

Bill Helm asked Mr. Root for clarification on his statement that he isn't as concerned with having 2 ADU's in R-1 and R-2, the denser part of town already but concerned with having an extra 1,250 square feet in the ARR area? Mr. Root stated yes, he did make that point but he still thinks that the proposal should be to have just one or the other. He doesn't understand why we need to allow two ADU's everywhere and he doesn't think the rationale supports it. Mr. Helm stated what he is hearing is that it is really an issue on the very large parcels of 4 acres or more? Mr. Root stated he thinks the whole idea of 2 ADU's is bad all over town. However, if the rationale is to infill in the more developed areas, then this doesn't do that. Mr. Helm stated 1,250 square feet on a four-acre piece of property is not a very dense addition. Mr. Root stated but it's a house. There are density requirements for all zones and we are changing it radically. Mr. Helm shared that the broader discussion is that times have changed and there is no more land in New London, yet we have people who would like to live in New London and how do we accommodate that. Mr. Root stated that if we are trying to preserve the rural character of the town, dotting the land with small houses will change that.

Mr. Bonin responded that people who own 4 acre lots in the ARR district could put up multiple sheds, outbuildings and barns if they wanted to. Dotting the land with small buildings doesn't necessarily mean it is the opposite of rural character. Mr. Root stated dotting the land with little buildings that have families in them will increase the density of those lots. It is contrary to the rural character and we will end up looking like Massachusetts. Mr. Bonin stated lots of little families is contrary to the rural character? Mr. Root stated they can disagree but his point is that they are changing a zoning ordinance in a radical way that has been in place for a long time.

John Ellis asked about having a separate 911 address (i.e., The attached would be 1A?). Adam Ricker stated there is a staff member who is certified to assign numbers and each case is unique and has to do with driveway placement and entrance. There would be some unique number between the two. This would be the case for detached ADU's as well.

Paul Gorman stated the discussion they are having now was just like the discussion they had 6 or 7 years ago. The accurate experience of what happened since 2016 resulted in 14 ADU's that have appeared. He is not convinced that changing the ordinance in the way that is proposed is going to create massive building of little houses scattered around the town. Mr. Root responded it may not happen overnight but the zoning ordinance has its density requirements for a long time and they are proposing to change that. He argued that his example doesn't compare because nothing significant changed in 2016. If not much has happened it doesn't mean making the radical change to authorize three housing units on every lot isn't going to be the radical change that in the long run will add to density. Mr. Root does not feel it is justified to have two ADU's other than to speculate

that this will solve workforce housing. Mr. Gorman stated it is a reasonable goal to have people that work in the hospital and college be able to afford to live in this town. Mr. Root agreed but stated this may not be the means to achieve it.

Karen Epstein stated she isn't in support of having it just be confined to the core areas because its already more densely packed in this area. Adam Ricker stated any new structure built would have to be built to the existing setback requirements. People can go through a variance process at the zoning board of adjustment to seek a variance regarding setbacks but it would be on a very case by case basis. There is no clear answer or whether or not it would be granted.

Marianne McEnrue stated there has been a lot of discussions among the Housing Commission and the Planning Board regarding this issue and times have changed. There is a great need in this area for housing and the challenges that the college, the hospital and other employers are facing require a change.

Peter Nichols stressed how badly we need housing and we need to face change in some way that makes a difference. So far, the ADU provisions that we have are only creating a few so the significant change we are trying to make is a well thought approach to detached ADU's. This will include existing structures and some new ones. The demographics of the town are more older people and the younger generations are not staying or moving in. The end game of that is a severe erosion of our community.

**IT WAS MOVED (Jeremy Bonin) AND SECONDED (Emily Campbell) to move this to public hearing on January 9, 2024. THE MOTION WAS APPROVED. Bill Helm abstained from the vote.**

5. **Future meeting Dates** – The next meeting will be held on Tuesday, January 9, 2024.

6. **Motion to Adjourn**

**IT WAS MOVED (Marianne McEnrue) AND SECONDED (Emily Campbell) to adjourn. THE MOTION WAS APPROVED UNANIMOUSLY.**

The meeting was adjourned at 8:17PM

Respectfully submitted,

Trina Dawson

Recording Secretary  
Town of New London